

03-12-01

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**DIVISIONAL APPLICATION UNDER**  
**37 CFR 1.53(b)**

Docket No. 04489/91885-501

Anticipated Classification:

Of this application:

Class 426

Subclass 297

Prior Application: 09/502,140

Examiner: Milton I. Cano

Art Unit: 1761

**VIA EXPRESS MAIL**

THE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a divisional application under 37 CFR 1.53(b), of pending prior application Serial No. 09/502,140, filed on February 11, 2000, of David E. Babiarz, et al., TACKED COILED FOOD PRODUCTS AND METHOD OF FABRICATING.

1. Enclosed is a copy of the divisional application, including a copy of the declaration from the parent case (37 CFR 1.63(d)(1)(iv)). No new matter has been added to the parent case and the inventorship is the same as in the parent case.
2. The filing fee is calculated below:

**CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS  
CANCELLED BY AMENDMENT**

**Fees for Other Than A Small Entity Rate**

	No. Filed			No. Extra	Rate		Fee
Basic Fee							710.00
Total Claims	13	-	20	8	x 18.00		
Independent Claims	2	-	3	2	x 78.00		
Multiple Claims					+ 260.00		
<b>TOTAL</b>							<b>\$710.00</b>

3. A check in the amount of \$710.00 is enclosed. The Assistant Commissioner is hereby authorized to charge any additional filing fees which may be required, or credit any overpayment to Account No. 06-2226.

4. Cancel in this application original claims 14-28. Claims 1-13 remain in the application representing the invention not elected in the original patent application.
5. The prior application is assigned of record to van Melle USA, Inc. (recorded May 26, 2000, at reel 10861 frame 0732) – copy enclosed.
6. A Power of Attorney appointing Frost Brown Todd LLC (f/k/a Frost & Jacobs, LLP) was filed September 18, 2000, in the original patent application
  - a.  The power appears in the original papers in the prior application, a copy is attached.
  - b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
  - c.  Address all future communications to:

Steven J. Goldstein, Esq.  
 FROST BROWN TODD LLC  
 2200 PNC Center  
 201 East Fifth Street  
 Cincinnati, Ohio 45202-4182

The undersigned declares that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

8 March, 2001  
 Date



By: Steven J. Goldstein, Esq.  
 Registration No. 28,079

Address of Signator:	<input type="checkbox"/>	Inventor(s)
Steven J. Goldstein, Esq.	<input type="checkbox"/>	Assignee of complete Interest
2200 PNC Center	<input checked="" type="checkbox"/>	Attorney or agent of record
201 E. Fifth Street	<input type="checkbox"/>	Filed under §1.34(a)
Cincinnati, Ohio 45202-4182		